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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/596,499 06/19/00 STREIFF

F KOCH, 67582

IM22/0601

EXAMINER

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KANSAS CITY MO 64105-2118

COOLEY, C

ART UNIT	PAPER NUMBER
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1723

DATE MAILED:

06/01/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/596,499	Applicant(s) Streiff
	Examiner Charles E. Cooley	Art Unit 1723
		
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status <p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>3 Oct 2000</u></p> <p>2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final.</p> <p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>		
Disposition of Claims <p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-22</u> is/are pending in the application.</p> <p>4a) Of the above, claim(s) _____ is/are withdrawn from consideration.</p> <p>5) <input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6) <input checked="" type="checkbox"/> Claim(s) <u>1-4, 11-13, and 16-22</u> is/are rejected.</p> <p>7) <input checked="" type="checkbox"/> Claim(s) <u>5-10, 14, and 15</u> is/are objected to.</p> <p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>		
Application Papers <p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner.</p> <p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved.</p> <p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. § 119 <p>13) <input type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some* c)<input type="checkbox"/> None of:</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). <p>*See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>		
Attachment(s) <p>15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>4, 5</u></p> <p>18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>20) <input type="checkbox"/> Other: _____</p>		

Art Unit: 1723

OFFICE ACTION

1. This application has been assigned to Technology Center 1700, Art Unit 1723 and the following will apply for this application:

- a. **Please direct all written correspondence for this application to Art Unit 1723.** The examiner can be reached at telephone number (703) 308-0112.
- b. Telephone inquiries regarding this application should be directed to the Technology Center 1700 receptionist at (703) 308-0651 or to the Examiner at (703) 308-0112. Facsimile correspondence for this application should be transmitted to (703) 305-3602 or (703) 305-7718.

Priority

2. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. § 119(e).

Information Disclosure Statement

3. Note the attached PTO-1449 forms submitted with the Information Disclosure Statements filed 25 SEP 2000 and 20 OCT 2000.

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Drawings

4. Applicant should verify that (1) all reference characters in the drawings are described in the detailed description portion of the specification and (2) all reference characters mentioned in the specification are included in the appropriate drawing Figure(s) as required by 37 CFR 1.84(p)(5).

Specification

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
6. The abstract is acceptable.
7. The title is acceptable.

Claim Rejections - 35 U.S.C. § 112, second paragraph

8. Claims 19, 21, and 22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19: it is unclear what constitutes "intersecting line 48".

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Claim Rejections - 35 U.S.C. § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by King '399.

Note the recited static mixer saddle element (12, 13, or 14) in Figs. 3-5.

11. Claims 1-4 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Carter.

Note the recited static mixer saddle element 10 in Figs. 1-3.

Claim Rejections - 35 U.S.C. § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 12, 13, and 16-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over King '399 or Carter in view of King '440.

King '399 or Carter do not disclose the saddle elements being disposed in mating, contacting relationship or the registration means in the form of mating tab and notch elements. King '440 discloses static mixer saddle elements 10, 11, 12, etc. which are arranged with the edge surfaces thereof in a mated, contacting relationship 20 as seen in Fig. 3. Each of the saddle elements has registration means in the form of mating tab and notch elements as seen in Figs. 3 and 4. It would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have disposed the saddle elements of King '399 or Carter in a mating, contacting relationship and to have provided the saddle elements with registration means in the form of mating tab and notch elements as disclosed by King '440 for the purposes of generating multiple divisions of the input stream (Col. 3, lines 52-58) and to allow for a nested or interlocking relationship between the saddle elements (Col. 3, lines 35-39).

Allowable Subject Matter

14. Claims 5-10 and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art discloses static mixing elements.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Charles Cooley whose telephone number is ~~(703) 308-0112~~.

17. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is ~~(703) 308-0651~~.



Dated: **30 May 2001**

Charles Cooley
Primary Examiner
Art Unit 1723